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January 2, 2008

VIA FACSIMILE

MEMO ENDORSED

The Honorable Stephen C. Robinson  
United States District Judge  
United States District Court for the Southern District of New York  
300 Quarropas Street, Room 633  
White Plains, NY 10601

Re: *McCormack and Co., Inc. v. Kari-Out Club, LLC, t/a Kari-Out Co., v. Perk Up, Inc., s/h/a Kari Out Club, LLC, t/a Kari-Out Co., v. Shambaugh & Son, LP*  
United States District Court, Southern District of New York  
Case No: 07-Civ 7244 (SCR)  
Our File No.: 470.0567160

Dear Judge Robinson,

We represent Third-Party Defendant Shambaugh & Son, LP in the above-referenced matter. On January 27, 2007, we faxed a letter to your chambers in which we enclosed a fully executed stipulation extending the time for our client to appear and answer, move or otherwise act with respect to the Third-Party Summons and Complaint in this matter. Please note that while the letter indicated that the date was extended through and including February 6, 2008, the letter should have referenced January 28, 2008 as being said date, which is the date provided for in the enclosed stipulation. We apologize for any confusion that this may have caused.

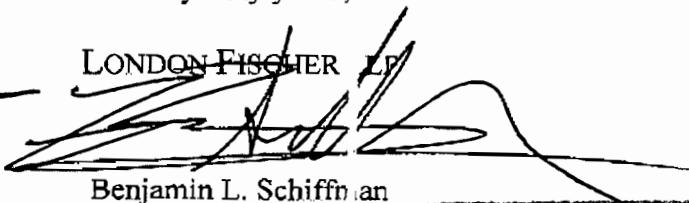
Thank you for your courtesy and assistance in this regards.

APPLICATION GRANTED

Stephen C. Robinson  
HON. STEPHEN C. ROBINSON  
1/7/08

BLS:jc  
Enclosure

Very truly yours,

  
LONDON FISCHER LLP  
Benjamin L. Schiffman

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cc:

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Third-party defendant  
may appear and answer,  
more or otherwise act  
through 1/28/08.

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